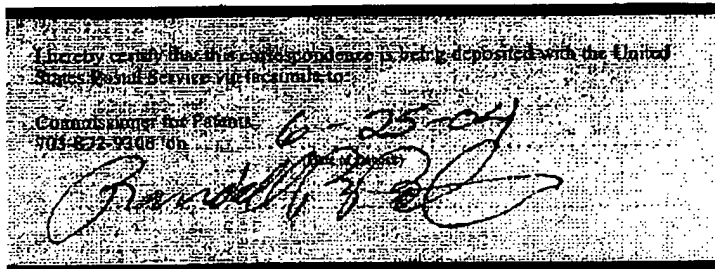


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JUN 25 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David J. McNally
Serial Number: 10/016,669
Filed: December 10, 2001
Group: 3763
Examiner: Catherine Serke Williams
For: LOW-PROFILE ENTEROSTOMY DEVICE
Attorney Docket: 0205.ZEVX.CN

Amendment FEE
Commissioner for Patents
703-872-9306



AMENDMENT

Dear Sir:

In response to the office action of January 29, 2004 please amend the application as follows:

01/27/2005 ARIVERS1 00000000 502720 10016669

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REMARKS


The Examiner has rejected claims 21, 27, and 29 as being obvious under 35 U.S.C. 103(a), in light of Potter (US Pat# 5,342,321) in view of Haber (US Pat#4,850,953) and indicated the rejection to be final. Claims 33-43 have been allowed, and Examiner states that claims 22-26, 28 and 30-32 would be allowed if written in independent form. Claims 21 and 29 have been amended to incorporate the subject matter of claim 22 and 30.

Additionally, the advisory action did not address Applicant's prior argument that making the previous office action final was improper because the Examiner raised a new rejection of an independent claim which had not been amended. Thus, Applicant was deprived of his ability to fully address the rejection and amend the claims as a matter of right. It is therefore requested that the claims be allowed, or that the final status of the previous office action be withdrawn.

Should the Examiner determine that any adverse action is necessary, it is requested that the Examiner contact Applicants' attorney, Randall B. Bateman, so that such matters can be resolved as expeditiously as possible. The Commissioner is hereby authorized to debit any amount owing or to credit any overpayment to Account No. 502720.

Respectfully Submitted,

BATEMAN IP LAW GROUP



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